

of the Hearing Clerk, Room 4725, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL]

M. L. WILSON,

Acting Secretary of Agriculture.

Dated: May 12, 1936.

Washington, D. C.

[F. R. Doc. 644—Filed, May 12, 1936; 12:47 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

HOLDING COMPANY ACT

AMENDMENT OF RULE, COMPANIES DECLARED NOT TO BE GAS UTILITY COMPANIES

The Securities and Exchange Commission, acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly Sections 2 (a) (4) and 20 (a) thereof, and finding such action necessary and appropriate to carry out the provisions of said Act, and that compliance with the provisions of paragraphs (a) and (b) of the following rule will satisfy the conditions specified in clauses (A) and (B) of said Section 2 (a) (4), hereby amends Rule 2A4-2, as promulgated November 25, 1935, to read as follows:

RULE 2A4-2. Companies Declared Not To Be Gas Utility Companies.—(a) No company which operates facilities used for the distribution at retail of natural or manufactured gas for heat, light, or power shall be deemed to be a gas utility company within the meaning of Section 2 (a) (4), if,

(1) It is primarily engaged in one or more businesses other than the business of a gas-utility company, and

(2) Its gross revenues during its last fiscal year from sales of natural or manufactured gas distributed by it at retail (other than gas distributed in enclosed portable containers or distributed to tenants or employees of such company for their own use and not for resale) did not exceed \$100,000, or its gross revenues from such sales during the twelve month period ending September 30, 1935, did not exceed such amount; *provided, however*, that if any company, even though primarily engaged in one or more businesses other than the business of a gas utility company, shall, in the course of any fiscal year ending after January 1, 1936, receive gross revenues of \$100,000 from sales of natural or manufactured gas at retail, it shall thereupon be deemed to become a gas utility company within the meaning of Section 2 (a) (4) unless the Commission shall otherwise by order declare.

(b) In any case in which a company owns but does not operate such facilities, such owner shall not be deemed to be a gas utility company merely because of such ownership unless the company operating such facilities is a gas utility company.

(c) Gas sold for resale (otherwise than for resale to tenants or employees of the purchaser) or to industrial consumers for their own use shall not be deemed to be distributed "at retail" within the meaning of this Rule and of Section 2 (a) (4).

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 643—Filed, May 12, 1936; 12:02 p. m.]

Thursday, May 14, 1936.

No. 44

TREASURY DEPARTMENT.

Bureau of Customs

[T. D. 48310]

CUSTOMS REGULATIONS AMENDED—IMPORTATIONS BY MAIL

AMENDMENT OF ARTICLE 385 OF THE CUSTOMS REGULATIONS OF 1931 (PARAGRAPH 20 OF THE JOINT DEPARTMENTAL MAIL REGULATIONS) PROVIDING THAT MAIL ARTICLES CONTAINING LOTTERY MATTER ONLY SHALL BE HANDLED AND DISPOSED OF BY THE POSTAL SERVICE

MAY 6, 1936.

To Collector of Customs and Others Concerned:

Pursuant to authority contained in U. S. Code Title 18, Section 336, and Title 39, Section 259, and Section 498 (a) (1) of the Tariff Act of 1930, Article 385 of the Customs Regulations of 1931 (Paragraph 20, Joint Departmental Mail Regulations) is, within the concurrence of the Post Office Department, amended as follows:

(a) (J. R. 20a). After the word "and" in the fifth line, insert a comma and the words "except when known or supposed to contain lottery matter, shall be."

(b) (J. R. 20b). Change the initial letter "A" of the word "Articles" in the first line to a small "a" and insert before the word "articles" the following: "Except when known or supposed to contain lottery matter."

(c) (J. R. 20c). Insert after the word "articles" in the first line, the words "except lottery matter."

Add the following, as paragraph (d) (J. R. 20d):

(d) (J. R. 20d) Mail articles of all classes, sealed or unsealed, which, upon inspection or examination, are found to contain or are supposed to contain lottery matter, prohibited importation under Section 305 of the Tariff Act of 1930, or enclosures pertaining thereto, shall be retained by the Postal Service, or delivered to that Service by the Customs Service, for disposition under the Postal Laws and Regulations. If such an article is found to contain other merchandise, the article shall be held by, or delivered to, the Customs Service for appropriate treatment under the Customs laws and regulations.

JAMES A. FARLEY,

Postmaster General.

WAYNE C. TAYLOR,

Acting Secretary of the Treasury.

[SEAL]

[F. R. Doc. 651—Filed, May 13, 1936; 12:25 p. m.]

[T. D. 48312]

CUSTOMS REGULATIONS AMENDED—EXPORT PROCEDURE

ARTICLES 197 AND 1292 OF THE CUSTOMS REGULATIONS OF 1931, RELATIVE TO SHIPPERS' EXPORT DECLARATIONS AMENDED

MAY 9, 1936.

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in the Act of April 29, 1902 (U. S. Code (1934 Ed.), Title 46, Sec. 95), and Sec. 161 R. S. (U. S. Code (1934 Ed.), Title 5, Sec. 22), article 197 (a) of the Customs Regulations of 1931 is amended by adding after subparagraph (1) the following paragraph, to be designated subparagraph (1½), and article 1292 is amended by adding after paragraph (a) the following paragraph, to be designated "b":

Where the cargo is to be transhipped in another customs district, including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States, for transportation to a foreign country or noncontiguous territory of the United States, the shippers' export declarations (Customs Form 7525) should be filed only with the Collector of Customs at the port where the merchandise is last laden for its final destination.

Paragraph (b) of Article 1292 is redesignated (c).

ERNEST G. DRAPER,

Assistant Secretary of Commerce.

WAYNE C. TAYLOR,

Acting Secretary of the Treasury.

[SEAL]

[F. R. Doc. 650—Filed, May 13, 1936; 12:25 p. m.]

Bureau of Internal Revenue.

[T. D. 4643]

PREPARATION OF INCOME TAX RETURNS—CORRECT ADDRESS OF TAXPAYER REQUIRED

AMENDING ARTICLE 51-2 OF REGULATIONS 86

To Collectors of Internal Revenue and Others Concerned:

Article 51-2 of Regulations 86, relating to income returns required to be made under the Revenue Act of 1934, is hereby amended by adding at the end thereof the following:

The home or residential address of the taxpayer (including the street and number, if any) shall be given in the space provided at the top of the return for the name and address of the taxpayer. A taxpayer having a permanent business address may give that address as the principal or mailing address, provided that the complete home or residential address is also given within the space provided.

The foregoing amendment shall take effect fifteen days after the date of approval of this Treasury Decision.

This document is promulgated under the authority contained in section 62 of the Revenue Act of 1934.

[SEAL]

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved May 11, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 652—Filed, May 13, 1936; 12:26 p. m.]

DEPARTMENT OF AGRICULTURE:

Agricultural Adjustment Administration.

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 3, SUPPLEMENT (A)

Instructions for determining rice assignments and for filling out rice forms

PART I. DEFINITIONS

As used in connection with soil-conserving payments in respect to rice, the following terms shall have the meaning set opposite each:

1. "Producer" includes persons owning and operating their own farms; tenants operating farms rented for cash; tenants operating farms under a crop share-lease, contract, or agreement; and landlords leasing to share tenants; corporations, copartnerships, or individuals furnishing water or seed rice for production of rice on a share basis.

2. "Participating in the production of rice" means sharing as a producer in any manner in the production of rice on a farm.

PART II. INTRODUCTION

The provisions for determining a producer's base rice acreage, base rice production, domestic consumption quota, and the rice soil-depleting base for the farm are included in section 3 (c), Part III, of Southern Region Bulletin No. 1, Revised. The bulletin also defines the "farm" or "farms" for which a work sheet for the Southern Region, 1936 Agricultural Conservation Program, is required. In determining the rice soil-depleting base for each farm, two steps are necessary: (1) the determination by the State Committee of the base rice acreage for each producer, in accordance with the instructions contained herein, and (2) the allocation to each farm, for which a work sheet is required, by all producers participating thereon, of a portion of their base rice acreage for the production of rice. The total allocations of base rice acreage figures to a farm by all such producers is the rice soil-depleting base to be entered on the work sheet for such farm. The remaining portions of the work sheet are to be filled out following the instructions contained in S. R.—B-3.

PART III. STATE BASE FIGURES AND DOMESTIC CONSUMPTION QUOTAS

The total base rice acreage, the base rice production, and the domestic consumption quota assigned, respectively, in 1936 to producers in any State shall not exceed the following:

States	State base rice acreage	State base rice production	Domestic consumption quota
Arkansas	152,569	2,058,553	1,931,529
Louisiana	415,569	4,373,639	4,231,68
Texas	161,452	2,253,155	2,182,49
Missouri	599	6,599	6,23

¹ The rulings and instructions applicable to Arkansas shall be followed in Missouri.

The State domestic consumption quotas are 96.73% of the respective State base production.

PART IV. ASSIGNMENTS OF BASE RICE ACREAGE AND DOMESTIC CONSUMPTION QUOTA

The base rice acreage and base rice production of each producer shall be determined in accordance with the provisions of section 3 (c) of Part III of S. R.—B-1, Revised and the instructions contained herein.

If an error was made in a producer's 1935 assignment, such assignment shall be corrected in 1936. However, no upward adjustment shall be made on this account without reviewing and checking all basic data in connection with such assignment.

The 1935 assignment made in each State of all producers participating in the production of rice in 1936, irrespective of whether such producers participate in the 1936 Agricultural Conservation Program, shall be deducted from the State figures for 1936 and only the balance after such deduction, plus the amount of any downward adjustments for 1936 of 1935 figures for producers in the State, shall be available for assignment in the State to new producers, to producers with production history who were not assigned bases in 1935, for upward adjustments, and for a small reserve sufficient to provide for errors.

A. *Producers with a production history for each of the base period years.*—In all cases except those falling within the provisions of paragraphs B, C, D, and E below, the 1936 base rice acreage and base rice production of each producer shall be equal to the allotment and quota assigned to him in connection with the 1935 Rice Adjustment Program.

B. *Producers with production history who were not assigned a 1935 allotment and quota.*—Any producer who submits data in respect to his production history and who was not assigned an allotment and quota in 1935 shall be assigned a 1936 base rice acreage and base rice production equal to the allotment and quota that would have been assigned to him in 1935 under the Administrative Rulings applicable to such assignments and which are not inconsistent with these instructions. Such assignments shall be subject to upward or downward adjustments in accordance with the provisions of paragraphs C and E below.

C. *Upward Adjustments.*—Upward adjustments in the base rice acreage and production figures computed as in paragraphs A and B above shall be made in accordance with the provisions of section 3 (c), Part III of S. R.—B-1, Revised. Upward adjustments may be made in accordance with the standards set forth in paragraph (1) of such section 3 (c) in cases where a producer grew rice in either of the years 1929 or 1930, and his 1935 assignments were determined on his acreage and production in the years 1931-1933, inclusive. All upward adjustments shall be made from and shall not exceed the unassigned portion of the State base rice acreage and base rice production, after assignments have been made to producers under the foregoing provisions of paragraphs A and B, and under the provisions of paragraph E below, and after a reserve has been set aside for assignment to new producers in accordance with the following paragraph D.

Parts of Form RW-11, a supply of which is already available in State offices, will be helpful in reaching determinations in respect to adjustments and revisions of bases. This form should be used only in the State office as a work sheet. The instructions below indicate the procedure to be followed. The first portion of the form contains information needed in all cases. Fill in the data required in Part I only if an additional assignment is being made because the producer did not grow rice during all of the years of the base period¹ or because under the standards set forth in section 3 (c), Part III, S. R.—B-1, Revised, an upward adjustment is to be made because the producer's assignment was determined on the basis of the years 1931-1933, inclusive, and the producer grew rice in either of the years 1929 or 1930. Fill in Part II if an adjustment in yield is being made. Use Part III if an assignment is being made to pro-

¹ The term "base period" in Arkansas and Louisiana means the period of the calendar years 1929 to 1933, inclusive, and in Texas the years 1931 to 1933, inclusive.

ducers without a base period history in accordance with the provisions of the following paragraph D.

Line 1.—The data to be inserted here are the producer's own rice history during the years 1929-1933 and shall not include either the special adjustment made by the committee in 1934 or in 1935 in the producer's allotment and quota, or any transfers that have been credited to him.

Line 2.—Calculate from the producer's own rice history (the entries in line 1) the average acreage and production determined for the years the producer grew rice instead of for all of the years of the base period and enter the result in line 2.

Line 3.—Enter the producer's 1935 allotment and quota as they appear on the "1935 Official List of Individual Allotments and Quotas Assigned by the State Committee" Form Rice 33; and calculate from these data the average yield per acre.

Line 4.—Make no entry.

Lines 5-9.—Fill in data required.

Lines 10-11.—Make no entry

Fill out Part I of Form RW-11 only if an additional assignment is to be made for the reason that the producer did not grow rice during all of the years of the base period; or because under the standards set forth in section 3 (c) Part III, S. R.—B-1, Revised, an upward adjustment is to be made because the producer's assignment was determined on the basis of the years 1931-1933, inclusive; and the producer grew rice in either of the years 1929 or 1930.

The maximum assignments which the committee in most instances will find warranted by the facts are to be calculated by multiplying the entries in line 2 by the applicable percentage shown in the following schedule:

Number of years during the period 1929-1933 in which producer participated in production of rice	Percentage of figures entered in line 2 of RW-11
five	175
four	70
three	65
two	60
one	55

1 Applicable to Texas only.

Line 12.—Enter in (a) and (b) respectively, the acreage and production figures calculated according to the above schedule.

Unless it is clear that under the paragraphs numbered 1 and 2 of section 3 (c) of Part III of S. R.—B-1, Revised, the figures resulting under the above formula are too high or too low, no changes in the formula figures should be made. If the formula figures are in excess of a producer's contemplated acreage in 1936, a reduction is required under paragraph numbered (2) of section 3 (c) of Part III of S. R.—B-1, Revised.

Line 13.—Enter the committee's tentative determination of additional base acreage. No figures shall be entered in 13 which, when added to the producer's 1935 allotment, exceed the figures in 12 (a). If the 1935 allotment exceeds the figures in 12 (a) the 1935 allotment shall be the producer's base rice acreage assignment for 1936.

Line 14.—If the total of the entries made in 13, of all Forms RW-11, exceeds the unassigned portion of the State base rice acreage, the entry in 13 shall be reduced pro rata to the extent necessary to make such total not larger than the unassigned base rice acreage. The figures thus adjusted shall be entered in 14.

Line 15.—The figures to be entered in 15 are determined from the tentative determination listed in 13. Enter in 15 the results of multiplying the number of acres listed in 13 by the producer's average yield per acre 1. (a) or by the average yield per acre calculated from the 1935 official list, whichever is lower, but this result, plus the 1935 quota, shall not exceed 12 (b).

Line 16.—If the total of the entries made in 15 and 18 of all Forms RW-11 exceeds the unassigned portion of the State base rice production figures, 15 and 18 shall be reduced

pro rata to the extent necessary to make such total not larger than the unassigned portion of the State base production figures. The adjusted figure is entered in 16.

Fill out Part II of Form RW-11 only in those cases where the producer's annual average production during the base period is abnormally low for reasons beyond his control. It must be shown that this abnormally low yield made the producer's base production figure materially less than the figures for other farms in the same community. Furthermore, no additional assignment shall be made to producers whose production history reflects an average yield which is equal to or above the average yield for the State calculated from the 1935 official list. In no case shall the upward revision in the producer's base production figure be such as will raise his average yield above the average yield calculated from the 1935 official list for the State.

Line 17.—Enter the years during which the producer states that he received abnormally low yields and indicate the reason advanced by the producer for such abnormally low yields. In general, the loss of a well or a serious and extended breakdown of pumping machinery, a storm or salt water, if resulting in a material reduction in the producer's average yield per acre for the base period, are reasons for consideration of an upward adjustment.

Line 18.—Enter the additional production determined by the committee provided, however, that the entries in 18 plus the entry in 15 (if any) shall not result in an average yield for the producer in excess of the average yield for the State calculated from the 1935 official list.

Line 19.—If the total of the entries made in 15 and 18 of all Forms RW-11 exceeds the unassigned portion of the State base rice production, all entries in 18 and 15 shall be reduced pro rata to the extent necessary to make such total not larger than the unassigned portion of the State base rice production. The figures thus adjusted shall be entered in 19. In determining the adjustments to be made in Part II, of Form RW-11, consideration shall be given also to any adjustments previously made for the purposes of offsetting low yields per acre.

Subject to the limitations set forth below and in accordance with paragraph numbered (1) of section 3 (c) of Part III of S. R.—B-1, Revised, the county committee shall recommend base rice acreage and base rice production figures for new producers.

D. Assignments to new producers.—The State Committee shall submit to the Director of the Southern Division, through the office of the State Director of Extension, its recommendations of the percentage of the 1936 State base rice acreage and base rice production figures which shall be set aside for exclusive assignment to new producers who have no production history during the base period. The assignments of base acreage and base production to such producers in any State shall not exceed the amounts found by the Director of the Southern Division to be justified as fair and equitable in view of the relevant circumstances in the State.

Assignments to any new producer, except in cases where serious inequities would result, should not be in excess of the average State 1935 allotment and quota as determined from the 1935 official list. Consideration also should be given to the average 1936 base figures assigned to producers in the county in which the producer intends to farm in 1936.

The total base figures available for assignment to new producers shall be apportioned among applicants who show to the satisfaction of the State Committee that if assigned a base they will in 1936 engage in the production of rice as producers and who have filed a written application with the State Committee on or before a date set by the committee, with the approval of the Director of the Southern Division.

Part III of Form RW-11 is to be used in making assignments to producers without a base period history.

Line 20.—Enter the years the producer raised rice, the number of acres grown in such years and the capacity in which the applicant assisted in the growing of rice; that is, landlord, tenant, laborer, etc.

Line 21.—Determine from the 1935 official list the average allotment and the average quota, and enter these figures in 21.

Line 22.—The entry made in 22 represents the committee's estimate of the acreage and production needed to make the producer's 1936 assignment similar to those for other farms in the same community which are similar with respect to size, type of soil, farming practices and facilities available for rice production in 1936, provided, however, that such entries shall not exceed the entries made in 21.

Line 23.—If the total of the figures entered in 22 of all Forms RW-11 exceeds the amount of the reserve set aside for assignments to new producers, the entries made in 22 shall be reduced pro rata to the extent necessary to bring the total within the limits so reserved.

Final 1936 Assignment.—The space provided at the bottom of page 3 of Form RW-11 for "Final 1936-1939 Assignment" shall be filled in after the determinations in Part I, Part II, and Part III of such form have been made. The final "Base Acreage" is either (1) the sum of the 1935 allotment, plus the entry in 14, or (2) the "Adjusted Base Acreage" entered in 23. The final "Base Production" is either (1) the sum of the 1935 quota, plus the entries in 16 and 19, or (2) the "Adjusted Base Production" entered in 23.

E. Downward Adjustments.—Downward adjustments in the base acreage and production figures computed as above shall be made in accordance with the provisions of paragraph numbered (2) of section 3 (c) of Part III of S. R.—B-1, Revised. Downward adjustments shall be made (1) where the 1935 allotment and quota assigned to the producer was based on erroneous data, or otherwise was in excess of the assignment that should have been made under applicable administrative rulings, or (2) where the 1936 base rice acreage and base rice production computed in accordance with paragraph A of these instructions are greater than is permitted by the provisions of paragraph numbered (2) of section 3 (c) of Part III of S. R.—B-1, Revised. Downward adjustments should be made to the extent necessary to make the acreage planted to rice in 1936 by the producers equal to between 85 percent and 100 percent of the base acreage figures so assigned. If a producer's base figures are reduced because of rotation of crops, the amount of such reduction should be held in reserve and not be assigned to other producers.

PART V. SUMMARY OF PRODUCER'S 1936 RICE ASSIGNMENTS

After individual assignments have been determined in accordance with the foregoing instructions, Form ACP-2, "Summary of Producer's 1936 Rice Assignments", should be prepared. This summary, when approved, becomes the official register of 1936 base rice assignments. The following should be observed in arriving at the data to be set forth in this form:

1. The "Producer's Serial No." will be a number assigned to each producer, beginning with the number one in each State and continuing in numerical sequence for that State. The number so assigned will continue to identify the producer for the purposes of the program. Should an assignment be terminated, even though such termination is for the purpose of substituting a revised assignment, the number given to the original assignment shall not be used again. If an assignment is made after the original designation of numbers, such assignment shall be so numbered as to maintain a numerical sequence for the State.

2. The "Number of Years" is that number of years in which the producer himself raised rice during the base period, and shall not include years for which the producer acquired history by transfer from another producer.

3. The "1935 Assignment" represents the allotment and quota assigned to the producer in 1935. Except where upward or downward adjustments are made, and except in the case of new producers, the figures entered in this column will represent the base rice acreage and base rice production for 1936.

4. "Adjustments in 1936" shall be the record of adjustments made by the committee in 1936 in the producer's

acreage or production, in accordance with the instructions set forth above. Downward adjustments should be preceded by a minus sign (—) in the column headed 1.

5. The "Base Assignments for 1936" shall be the assignments to individual producers recommended by the State Committee which become final when approved by the Director of the Southern Division. The totals of the columns "Base Acreage", "Base Production", and "Domestic Consumption Quota" shall not exceed the State figures. The figures to be entered in the column headed "Domestic Consumption Quota" shall be equal to 96.73% of the producer's base rice production figures. Producers should be advised of their domestic consumption quota and their base rice acreage.

PART VI. TRANSFERS

No transfers, from one producer to another, either of the 1936 base assignments or of the data from which such assignments may be computed, shall be approved except as provided in the following:

(a) If a producer voluntarily retires from participation in the production of rice, dies, or is declared incompetent by a court of competent jurisdiction, his 1936 assignment shall be apportioned, in whole or in part, among the heirs, devisees, or members of the family of such retired, deceased, or incompetent producer, according to the extent to which they may continue his farming operations, upon their furnishing satisfactory proof of such relationship and succession to the producer's farming operations.

(b) If a producer voluntarily withdraws, either in whole or in part, from participating in the production of rice through the voluntary sale of rice land, all or part of his 1936 assignment may be assigned to the purchaser upon request of the seller of such land and upon satisfactory proof of such withdrawal and sale.

(c) Upon dissolution of a partnership, the 1936 assignment shall be apportioned among the partners in such proportions as is agreed upon in writing by the partners and submitted to the committee.

(d) No person who has succeeded to the farming operations of any producer by reason of foreclosure, execution, or any forced sale shall be eligible for any assignment by virtue of such succession.

PART VII. DECLARATION OF RICE ACREAGE

A Form ACP-1, "Declaration of Rice Acreage", shall be submitted for each one of the farms, for which a work sheet is required, on which in 1936 the producer is participating in the production of rice or is devoting an acreage of rice land to soil-conserving crops or to uses permitted to be substituted under Supplement (a) to S. R.—B-1, Revised. On this Form ACP-1 the producer indicates the location of the land which is to be operated by him in 1936, the extent of his participation in the production of rice, and his allocated share of the acreage of rice land which is devoted to soil conserving crops or to uses permitted to be substituted under Supplement (a) to S. R.—B-1, Revised. For each farm for which a work sheet is required, one declaration shall be filled out by all of the producers participating in the program thereon. The declaration, which should be prepared under the supervision of the county committee, shall be in triplicate and the original shall be sent to the State office, the duplicate retained in the county office, and the triplicate forwarded to the producer. When a declaration has been completed, the producer's signature affixed, and the county and community committees' certificate has been completed, the original copy shall be sent immediately to the State office. Unless notified to the contrary by the State Committee, the total allocations of base acreage for rice to a farm made by all producers participating in the program thereon in 1936 is the rice soil-depleting base which is to be inserted in the work sheet. The entries made by any producer on a declaration shall not be changed after the closing date for filling work sheets.

The name of State, county, or parish, and community shall be entered at the top of the declaration.

"Farm Serial No." is the number assigned to each farm by the county committee, beginning with No. 1 in each county and continuing in numerical sequence. It should be pointed out that this number identifies a farm and is not intended to identify the producer.

"Producer's Serial No." is the number assigned to the producer by the State Committee and is the same number which appears before his name on the "Summary of Producer's 1936 Rice Assignments."

In affixing the "Signature of Producer" the producer shall sign his name in all respects as it appears on the "Summary of Producer's 1936 Rice Assignments."

In column 2 of the "Schedule of Rice Acreage Allocated to This Farm", each producer participating in the production of rice on that farm shall indicate the number of acres of his base rice acreage which he allocates to the farm for the planting of rice. In column 4 the producer also indicates the number of acres of rice land on this farm devoted by him to soil-conserving crops or to the uses permitted under Supplement (a) to S. R.—B-1, Revised. The total base rice acreage allocated on any declaration by a producer may range from zero to that figure which represents as a maximum the producer's base rice acreage assignment. The allocation of acreage for soil-conserving crops or to uses permitted to be substituted under Supplement (a) to S. R.—B-1, Revised, may be either to the same farm for which the producer makes an allocation for the growing of rice or it may be to other farms either owned and operated by him, rented by him as a tenant for cash or rented by him on shares, but the acreage so used must be rice land with water readily available. The ratio that the producer's allocations of base rice acreage to a farm in column 2 bears to the total base rice acreage allocated in column 2 by all producers filling out a declaration establishes the individual degree of responsibility for the rice acreage which measurements show is grown in 1936 on that farm. Similarly, the ratio of the allocations of acreage to a farm which is made by a producer in column 4 to the total allocations made in column 4 by all producers filling out the declaration for that farm establishes the individual degree of responsibility for the acreage of rice land which in 1936 measurements show is devoted to soil-conserving crops or to uses permitted to be substituted under Supplement (a) to S. R.—B-1, Revised.

In column 3 enter the ratio of each producer's allocation of base rice acreage for growing rice to the total allocations made by all producers for this purpose, and in column 5 enter the ratio of each producer's allocation of rice acreage for soil-conserving crops or to uses permitted to be substituted under Supplement (a) to S. R.—B-1, Revised, to the total of such allocations made by all producers.

PART VIII. SCHEDULE OF RICE ACREAGE

On a Form ACP-3, "Schedule of Rice Acreage", the producer presents a consolidated statement of the data contained in all declarations of rice acreage which he has executed and certifies that he is not participating in the production of rice on any farms other than those covered by declarations listed on his schedule.

Schedules may be prepared at the office of the State Committee or the work may be delegated to the county committee by the State Committee. The form is to be prepared in triplicate, the final disposition of which will be the original to the State office, the duplicate to the county office, and the triplicate to the producer.

A schedule shall not be accepted from a producer unless declarations have been executed covering all farms on which he is participating in the production of rice in 1936 and unless such declarations have been filed with the county committee prior to the closing date for filing work sheets.

Enter at the top of the schedule the State and county code number and the name of the State and county. The following data required by the schedule are secured from the declarations submitted by a rice producer, "Farm Serial

No.", and the figures for columns 1, 2, 3, 4, 5, and 6. The actual acreage as measured on this farm, columns 7 and 8, is determined from the report of acreage measurements.

The "Producer's Share of Measured Acreage" is determined by multiplying each entry in column 7 by the corresponding percentage listed in column 5, and by multiplying each entry in column 8 by the percentage entered in column 6.

The total of the entries made in column 1 may not exceed the producer's base rice acreage assignment.

Should the totals of column 9 be less than 85 percent or more than 100 percent of the producer's base rice acreage, the amount of the soil-conserving payment will be reduced in accordance with section 4 of Part II of S. R.—B-1, Revised. Should the totals of column 10 be less than 25 percent of the producer's base rice acreage, the producer will not qualify for a soil-conserving payment in respect to rice.

A space is provided on the reverse side of this schedule for listing declarations. Should these two pages prove insufficient, additional schedule forms may be used for continuation sheets. In such instances there shall be prepared a numbered recapitulation sheet on which shall be entered the totals of columns 1, 2, 3, 4, 7, 8, 9, and 10 of each page of the schedule used.

The State Committee shall not accept any schedule unless the producer has executed the certificate contained therein.

SOIL-BUILDING PAYMENTS

The soil-building allowance and the soil-building payment (including its division among eligible producers) for any farm on which rice is grown shall be governed by the same rules, instructions, and definitions as are applicable to farms on which rice is not grown.

Acreage devoted to uses permitted to be substituted under Supplement (a) to S. R.—B-1, Revised, shall not be included in determining the soil-building allowance.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 11th day of May 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 645—Filed, May 12, 1936; 12:48 p. m.]

NCR-7a

Issued May 11, 1936

PROCEDURE FOR THE NORTH CENTRAL REGION 1936 AGRICULTURAL CONSERVATION PROGRAM AND USE OF RELATED FORMS

[Prescribed pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act]

FOR USE OF COUNTY AND STATE COMMITTEES

Instructions for Notification of Preliminary Soil Depleting Bases and Handling Appeals

The instructions contained in the procedure for the 1936 Agricultural Conservation Program in NCR-5 provide that immediately following the county organization meeting and school of instruction the community committeemen will aid in the execution of work sheets for all farms in the community. After work sheets have been executed the data will be listed upon listing sheets in the county office. After the data are listed each community committee will review its previous recommendations for soil depleting bases and make any necessary adjustments. Thereafter the County Committee will make its recommendation for preliminary soil depleting bases for all farms in the county.

The sum of the preliminary total soil depleting bases, the sum of the preliminary tobacco soil depleting bases, and the sum of the preliminary cotton soil depleting bases recommended by the county Committee, must not exceed the respective county limits established for such bases.

NOTIFICATION OF PRELIMINARY SOIL DEPLETING BASES

After the County Committee has made its recommendation for preliminary soil depleting bases for each farm in the county, a notice must be sent to each operator and each owner of such farms. Such notice shall be prepared in duplicate, the original of which shall be sent to the owner or operator and the copy of which shall be filed in the county office. Such notice must contain the following:

1. The name and address of person being notified.
2. The following statements: "The soil depleting bases for farms located in _____ County have been adjusted to bring them within the county limits assigned to this county. Recommended soil depleting bases for farms reported as owned or operated by you in this county are listed herein. If you have reason to believe that any of the preliminary soil depleting bases for any farm listed herein is not equitable for such farm and you have facts substantiating your belief, you may submit an appeal in writing to the county committee setting forth such substantiating facts. Because of the application of county limits, appeals will be considered only for the purpose of establishing equitable bases as between farms. If you desire to be present when your appeal is under consideration by the county committee, such desire should be indicated in writing in your appeal. Upon consideration of an appeal the county committee may, if the facts warrant such adjustment, adjust the preliminary soil depleting bases under consideration either upward or downward. All appeals relative to these bases must be received by the county committee on or before _____, 1936.¹ The soil depleting bases finally approved by the State Committee will be available at a later date. You will be notified as soon as possible if a soil depleting base for any farm listed herein as finally approved by the State Committee is less by more than one percent than the corresponding preliminary soil depleting base for such farm.

"The sugar beet soil depleting base will be the number of acres used for the growing of sugar beets in 1936 not in excess of the total soil depleting base less the sum of any cotton and tobacco soil depleting bases. The flax soil depleting base will be the number of acres used for the growing of flax in 1936 not in excess of the total soil depleting base less the sum of any cotton, tobacco, and sugar beet soil depleting bases.

"You will not be eligible for a grant in this county unless a work sheet is executed for each farm you own or operate in the county. Therefore, it is very important that you forward to the county committee on or before the above final date for filing appeals a legal or other adequate description of any such farms not listed herein."

3. The serial number of each work sheet.
4. The name of the 1936 operator of each farm.
5. The name of the owner of each farm (see definition of owner, Part I, N. C. R.—Bulletin No. 1, Revised).
6. The acreage of all land in each farm.
7. The preliminary total soil depleting base for each farm.
8. The preliminary cotton soil depleting base, if any, for each farm.
9. The preliminary tobacco soil depleting base, if any, for each farm.
10. The signature of the president of the County Agricultural Conservation Association.

CONSIDERATION OF APPEALS

All appeals shall be in writing and must be received by the County Committee on or before the date specified in the notification form. On the day following the final date for filing appeals the County Committee should begin its consideration of appeals. This work should be finished promptly in order to avoid delay in forwarding the listing sheets (Form NCR-6) to the State Committee. Appellants who have indicated their desire to be present when their appeals are under consideration must be notified of the date of such

consideration. After the County Committee has acted upon an appeal the appellant must be notified of the action of the committee. A copy of this notice should be attached to the original of the appeal and filed in the county office. If an adjustment is made in any preliminary soil depleting base as a result of the action of the County Committee, such adjustment should not be made upon the listing sheet. After all appeals in the county have been considered, the listing sheets and the form entitled "List of Appeals and Action Thereon" should be transmitted to the State Committee. Before finally approving soil depleting bases, the State Committee will make necessary revisions in such soil depleting bases in order that such bases will conform with the county limits. It will, therefore, not be necessary for the County Committee to revise preliminary soil depleting bases in order to make them conform with the county limits if the totals of the preliminary soil depleting bases are in excess of the county limits as a result of the action of County Committee on appeals.

There must be executed a form listing all appeals and showing the following information:

1. The serial number of each work sheet.
 2. The name of the 1936 operator of each farm.
 3. The preliminary soil depleting bases for each farm.
 4. The preliminary soil depleting bases after consideration of the appeal by the County Committee.
 5. The reasons for the action taken by the County Committee. A separate listing of appeals should be prepared for total, cotton, and tobacco soil depleting bases by entering in the column headings (3) and (4) of the form the appropriate word "total", "cotton", or "tobacco" whichever is applicable. This form will be prepared in triplicate. The original and one copy will be forwarded to the State Committee and the remaining copy filed in the county office.
- Each appellant must be notified of the determination made upon his appeal. If the appellant's contentions are not upheld in whole or in part, he must be notified that he may submit an appeal in writing direct to the State Committee. This notice will contain the following:

1. A statement that the appeal has been denied in whole or in part.
2. A statement that the appellant may submit an appeal in writing to the State Committee.
3. The name and address of the chairman of the State Committee.
4. A statement that the appeal must be received by the State Committee within a certain date. Such date will be seven days from the date of mailing such notice.
5. A statement that if the appellant appeals to the State Committee notice of this fact must be given to the County Committee within the time for filing such appeal.

Upon receipt of information from the appellant to the effect that an appeal is being submitted to the State Committee, the County Committee shall immediately submit the appeal originally filed with the County Committee to the State Committee, together with a complete statement of their reasons for the determination made upon the appeal.

Upon receipt of the notice of appeal from a county filed directly with the State Committee, together with the notice of appeal that appellants have filed with the County Committee and the statements of the County Committee regarding their determination upon such appeals, the State Committee may, if the nature of any case warrants, send a representative of the State Committee to the office of the County Committee for the purpose of hearing the appellant and the County Committee concerning his appeal. The State Committee may, in its discretion, review the determination made by a County Committee upon any appeal, notwithstanding that no notice of appeal to the State Committee was filed.

If any soil depleting base as finally approved by the State Committee is less by more than one percent than the corresponding preliminary soil depleting base, notice in writing of such change should be given as soon as possible by the County Committee to the persons to whom the preliminary notice in respect to such base was sent. A copy of such notice of change should be filed in the County office.

¹This date should be inserted by the County Committee. Such date shall be seven days after the date of mailing of the notification of preliminary soil depleting bases.

The two forms entitled "Notification of Preliminary Soil Depleting Bases for the 1936 Agricultural Conservation Program" and "List of Appeals and Action Thereon" will be prepared in the office of the State Committee. Copies of such forms² will be furnished county offices by the State Committee.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

MAY 11, 1936.

[F. R. Doc. 646—Filed, May 12, 1936; 12:48 p. m.]

DEPARTMENT OF COMMERCE.**Bureau of Air Commerce.****ORDER GOVERNING USE OF MILITARY ROAD FOR RUNWAY PURPOSES BY NATIONAL AIRPORT CORPORATION**

By virtue of the authority vested in the Department of Commerce under section one of a joint resolution of the Congress entitled "Joint Resolution To provide for safeguarding of traffic on Military Road", approved March 2, 1936,³ which provides in part as follows:

That permission is hereby granted to the National Airport Corporation to use as a part of the runway of its airport located near the City of Washington, District of Columbia, such part of the road commonly known as Military Road as may be necessary to connect the two parts of the said airport now separated by the said road; that part of the road to be used for such runway to be determined by the Department of Commerce,

I hereby determine that part of the said Military Road to be used by the National Airport Corporation for runway purposes to be described as follows:

Beginning at a point, marked with a stake, at the intersection of the south right of way line of Military Road and the east boundary of the United States Experimental Farm, Department of Agriculture, which point is N. 19°10' W. 75.29 feet from a United States Stone Monument at the southeast corner of the aforesaid United States Experimental Farm; thence S. 82°28'10" W. 66.38 feet along the south right of way line of Military Road to a stake; thence N. 7°27'50" E. 70.0 feet to a stake on the north right of way line of Military Road; thence N. 82°28'10" E. 312.58 feet along the aforesaid right of way line to a stake on such right of way line; thence easterly along the arc of the curved north right of way line of said road 231.11 feet to a stake on such north right of way line; said curve having a radius of 608.7 feet; thence S. 14°22'20" W. 70.0 feet to a stake on the south right of way line of Military Road; thence westerly along the arc of the curved right of way line of Military Road 204.54 feet to a stake on such south right of way line; said curve having a radius of 538.7 feet; thence S. 82°28'10" E. 246.63 feet along the south right of way line of Military Road to the point of beginning.

Further by virtue of the authority vested in the Department of Commerce under section one of the said joint resolution which provides in part as follows:

That the permission herein granted shall be effective only so long as the said National Airport Corporation provides, maintains, and operates such traffic signals or other safety devices as shall be approved by the Department of Commerce to protect airplane and vehicular traffic on and over the part of the road herein authorized to be used,

the installation, maintenance, and operation of the following traffic signals and safety devices by the National Airport

Corporation at the easterly and westerly boundaries on the part of Military Road herein described to be used for runway purposes to protect airplane and vehicular traffic on and over the above described part of Military Road shall be approved by the Department of Commerce:

1. An efficient stop and go traffic light, visible for a distance of at least 500 feet, which shall show a red light when such part of the road is being used for runway purposes and a green light at all other times, and an efficient siren capable of being heard at a distance of at least 500 feet. Such traffic light shall show a red light and such a siren shall be sounded at such time prior to the actual use of such part of the road for runway purposes as to give vehicular traffic timely warning of such impending use.

2. An efficient safety barrier reaching across the whole of such roadway and capable of effectively preventing the entry of vehicular traffic into such part of the road, and equipped with a danger signal visible for at least 100 feet both in day-time and at night so as to give sufficient indication to approaching vehicular traffic of the presence of such barrier.

3. A sign legible at a distance of at least 100 feet both in daylight and at night indicating to vehicular traffic that such part of the road is being used for runway purposes and indicating the point at which such traffic is to stop until such use for runway purposes shall have been concluded.

4. A sign indicating that there shall be no parking within such part of the road.

The approval of the above described signals and devices is conditioned upon the National Airport Corporation stationing a guard at each of the said easterly and westerly boundaries of such part of the road to warn vehicular traffic and to operate such of the above described signals and devices as may effectively be operated at the points of installation.

APRIL 30, 1936.

DANIEL C. ROPER,
Secretary of Commerce.

[F. R. Doc. 648—Filed, May 12, 1936; 4:12 p. m.]

FEDERAL TRADE COMMISSION.**United States of America—Before Federal Trade Commission**

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of May A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2739]

IN THE MATTER OF SUTTON LABORATORIES, INC.**ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony,

It is ordered that John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law:

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, May 20, 1936, at ten o'clock in the forenoon of that day, in room 204, Federal Building, Durham, N. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 649—Filed, May 13, 1936; 10:56 a. m.]

² Not printed herein; originals of the forms have been filed with the Division of the Federal Register.

³ 49 Stat. 1158.

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 6th day of May A. D. 1936.

[Docket No. BMC 50001]

IN THE MATTER OF THE APPLICATION OF WILLARD CONVOY COMPANY, A CORPORATION, OF 496 AUBURN AVENUE, PONTIAC, MICH., FOR A PERMIT (FORM BMC 10, NEW OPERATION) AUTHORIZING OPERATION AS A CONTRACT CARRIER BY MOTOR VEHICLE IN THE TRANSPORTATION OF MOTOR VEHICLES UNDER THEIR OWN POWER, IN INTERSTATE COMMERCE, FROM PONTIAC, MICH., TO DESTINATION POINTS IN ALL STATES AND THE DISTRICT OF COLUMBIA

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner A. S. Parker for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner A. S. Parker, on the 1st day of June A. D. 1936, at 9 o'clock a. m. (standard time), at the Federal Building, Pontiac, Mich.

And it is further ordered, That notice of this proceeding be duly given.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 647—Filed, May 12, 1936; 2:54 p. m.]

Friday, May 15, 1936

No. 45

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

PLACING CERTAIN ISLANDS IN THE PACIFIC OCEAN UNDER THE CONTROL AND JURISDICTION OF THE SECRETARY OF THE INTERIOR

Jarvis Island, Baker Island, and Howland Island

By virtue of and pursuant to the authority vested in me by the Act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the Act of August 24, 1912, ch. 369, 37 Stat. 497, and as President of the United States, it is ordered that Jarvis Island located in the Pacific Ocean approximately in latitude 0°22'30" S. and longitude 160°01' W. from Greenwich; Baker Island located in the Pacific Ocean approximately in latitude 0°13'30" N. and longitude 176°33' W. from Greenwich; and Howland Island located in the Pacific Ocean approximately in latitude 0°49' N. and longitude 176°43' W. from Greenwich, as indicated upon the diagram¹ hereto attached and made a part of this order, be, and they are hereby, reserved, set aside, and placed under the control and jurisdiction of the Secretary of the Interior for administrative purposes.

This order shall continue in full force and effect unless and until revoked by the President or by act of Congress.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE

May 13, 1936.

[No. 73681]

[F. R. Doc. 653—Filed, May 13, 1936; 5:40 p. m.]

¹ See p. 406.

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER OF JANUARY 17, 1973, RELATING TO THE HOLDING OF STATE OR LOCAL OFFICES BY FEDERAL OFFICERS AND EMPLOYEES

By virtue of and pursuant to the authority vested in me by section 1753 of the Revised Statutes of the United States (U. S. C., Title 5, sec. 631), and as President of the United States, the Executive Order of January 17, 1973, as amended, prohibiting, with certain exceptions, Federal officers and employees from holding state, municipal, or other local offices, is hereby further amended so as to permit officers and employees of the Indian Service, Department of the Interior, serving in a medical or sanitary capacity, either on a part-time or full-time basis, to hold, with the consent of the Secretary of the Interior, state, county, or municipal positions of a similar character: *Provided*, that such services shall not in any manner interfere or conflict with the performance of their duties as officers or employees of the Indian Service: *And Provided further*, that there shall be no additional compensation when the Federal officer or employee is carried on a full-time basis.

This order supersedes Executive Order No. 5188 of September 10, 1929.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

May 13, 1936

[No. 73691]

[F. R. Doc. 657—Filed, May 13, 1936; 10:48 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 1, REVISED—SUPPLEMENT (C)

Soil building and soil conserving payments in respect to farms on which rice is grown

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Section 3 (d) of Part V, Southern Region Bulletin No. 1, Revised, is amended to read as follows:

(d) *Sugarcane for Sugar and Rice Payment*.—The soil-conserving payment for each producer in respect to rice shall be determined in accordance with Section 4 of Part II of S. R.—B.—1, Revised.

The soil-building payment in respect to farms on which rice is grown shall be governed by the same instructions, rules (including rules governing division of such payment), and definitions, as are applicable in respect to farms on which rice is not grown.

Land devoted to the uses permitted to be substituted for soil-conserving crops by Supplement (a) to S. R.—B.—1, Revised, shall not be included in determining the soil-building allowance for the farm.

Payments with respect to sugarcane for sugar shall be divided in accordance with the standards recommended by the State Committee and approved by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of May 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 659—Filed, May 14, 1936; 11:48 a. m.]